

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CLOUDING IP, LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 13-1341 (LPS)
)	
HEWLETT-PACKARD COMPANY,)	
)	
Defendant.)	

**HEWLETT-PACKARD COMPANY’S MOTION TO DISMISS
FOR LACK OF SUBJECT MATTER JURISDICTION**

Defendant Hewlett-Packard Company (“HP”) hereby moves pursuant to Fed. R. Civ. P. 12(b)(1) to dismiss the Complaint of Plaintiff Clouding IP, LLC (“Plaintiff”) for lack of subject matter jurisdiction. Plaintiff lacks standing to bring and maintain its patent infringement suit against HP for the reasons stated in the Defendants’ Motions to Dismiss in *Clouding IP, LLC v. Amazon.com, Inc. et al.*, C.A. No. 12-641-LPS, *Clouding IP, LLC v. Google Inc.*, C.A. No. 12-639-LPS, and *Clouding IP, LLC v. Motorola Mobility LLC*, C.A. No. 12-1078-LPS, and for the reasons stated in the concurrently-filed Defendants’ Motions to Dismiss in *Clouding IP, LLC v. EMC Corp. et al.*, C.A. No. 13-1455-LPS and *Clouding IP, LLC v. Rackspace Hosting Inc. et al.*, C.A. No. 12-675-LPS¹. These motions are hereby incorporated by reference.

Accordingly, the Complaint against HP should be dismissed with prejudice.

¹ HP is also a licensee of the Open Invention Network. Because Plaintiff has not yet specifically identified the products accused of infringement pursuant to the Del. Default Standard for Discovery ¶ 4(a), HP reserves investigation and briefing of these facts.

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December 20, 2013

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CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2013, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on December 20, 2013, upon the following in the manner indicated:

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